

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
V.) 3:04-CR-30034- PBS
)
MICHAEL ALAN CROOKER,)
)
DEFENDANT)

CROOKER'S PRO SE MOTION FOR A COURT ORDER
TO REMOVE JUDICIAL THREAT NOTIFICATION

Crooker moves that a Judicial Threat Notification/Detainer originating in this court be removed from his Bureau of Prisons file.

During the pendency of this case, but prior to the First Circuit's reversal/acquittal, Crooker on February 23, 2009 wrote a justifiable letter to Judge Ponson disparaging him for his ruling that the silencer statute was not ambiguous. See Exhibit 1 -- Letter of February 23, 2009. The letter contained no threats.

On March 3, 2009 in a U.S. Marshal Service ("USMS") "Inappropriate Communication report" (#0938-0304-0898-T) it states that Judge Ponson was "nervous about the letter" but that the USMS deems "There does not appear to be any threat veiled or otherwise." See Exhibit 2 - Report dated March 3, 2009.

On March 11, 2009 the USMS Judicial Security Division placed a "Notification" in Crooker's file in the Bureau of Prisons that Crooker was "under investigation" by the USMS for "posing a threat to a Federal Judge." See Exhibit 3 - USMS

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Letter of March 11, 2009.

That "Notification" was then processed just like a detainer and Crooker's BOP Sentence Computation currently requires the BOP to "notify" the USMS Judicial Security Division in Washington, D.C. whenever Crooker is transferred, released, etc. See Exhibit 4 - BOP Sentence Computation at Page 3.

On April 10, 2009 the USMS closed the investigation as follows: "Subject POSES NO THREAT OR RISK TO THE PROTECTEE AT THIS TIME." See Exhibit 5 - USMS Report of April 10, 2009.

Nevertheless, the "Notification" detainer remains in place. Because of it Crooker believes that the BOP has overclassified him to higher security. Crooker used to be in a Low-Security BOP facility, FCI-Loretto, and he still today has BOP "security points" that render him a Low or Minimum Security inmate under BOP Program Statement 5100.08, the Security Designation and Custody Classification Manual. But he is now incarcerated in a Medium Security facility due to a "Management Variable" of "Greater Security." Since Crooker has been continually incarcerated in Federal custody since June 23, 2004, nothing in his background has changed since he was in Low Security at Loretto in 2009, and he now has a 2017 Release Date as opposed to the 2023 Release Date he had in 2009 (under the now defunct silencer sentence), the only logical explanation for the security overclassification is the erroneous Detainer/Notification/Judicial Threat paperwork.

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WHEREFORE, Crooker moves that this court order the USMS to withdraw their notification detainer forthwith since there is no genuine basis for it.

Respectfully submitted,


Michael Alan Crooker, pro se
Federal Correctional Institution
P.O. Box 1000
Otisville, NY 10963

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this date mailed a copy of the foregoing to Kevin O'Regan, AUSA, U.S. Attorneys, 300 State St., Springfield, MA 01105 and to Judith Mizner, AFD, Federal Defender Office, 51 Sleeper St., 5th Floor, Boston, MA 02210.

Dated: October 25, 2011

s/ 